

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MALAMA MAKUA, a Hawaii)	
non-profit corporation,)	
)	
Plaintiff,)	
)	CIVIL NO. 00-00813
vs.)	
)	
DONALD H. RUMSFELD,)	
SECRETARY OF DEFENSE; and)	
FRANCIS J. HARVEY,)	
Secretary of the United)	
States Department of the)	
Army,)	
)	
Defendants.)	
)	

DEPOSITION OF JOHN MICHAEL BEDNAREK

Taken on behalf of Plaintiff at the Law Offices of
Earthjustice, 223 South King Street, Suite 400,
Honolulu, Hawaii, commencing at 10:00 a.m. on
December 21, 2005, Pursuant to Notice.

Transcribed by: RITA KING, RPR, CSR #373
Court Reporter, State of Hawaii

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EXHIBIT 36

1 Would that be all right?

2 A. It is.

3 Q. At any point in the proceeding, if you
4 need to take a break for any reason, please let me
5 know, we want to be as accommodating as we can, so
6 if you let me know, I'll try and find an
7 appropriate place to break the deposition and go
8 off the record. Okay?

9 A. Okay.

10 Q. And finally, if at any point there are
11 any questions that you have about the proceeding or
12 anything that you need to clarify regarding your
13 prior testimony, please let me know, and we'll make
14 sure that we address those matters.

15 A. I will. Thanks.

16 Q. With those preliminaries out of the way,
17 could you please, briefly, describe your
18 responsibilities in the Army with respect to the
19 25th Infantry Division.

20 A. Yes. I am the deputy commanding general
21 for operations, 25th Infantry Division, Schofield
22 Barracks, Hawaii. My responsibilities include
23 operations and training and the operational
24 readiness of the division, all of its soldiers. We
25 focus principally on operational readiness,

1 deployability, and war-fighting capability of the
2 25th.

3 MR. HENKIN: Could I just ask the court
4 reporter, are you having difficulty hearing?

5 Let's go off the record for a minute.

6 (A discussion was held off the record.)

7 Q. BY MR. HENKIN: Specifically with respect
8 to the announced deployment of elements of the 25th
9 infantry to Iraq in 2006, what are your
10 responsibilities?

11 A. My responsibilities include ensuring that
12 those elements of the 25th are trained and ready to
13 deploy.

14 Q. Did you participate in the preparation of
15 the Army's responses to interrogatories or document
16 requests?

17 A. I provided a written deposition, I guess,
18 is the correct legal term, which I believe is part
19 of this procedure, yes.

20 Q. Are you referring to the declaration that
21 was attached to the Army's motion to the court?

22 A. Yes.

23 Q. Subsequent to that, we asked a number of
24 questions of the Army in the form of
25 interrogatories and document requests. Were you

1 go do something else or leave to go do something
2 else and you get new members on the team.

3 So that training evolution is a
4 continuous process, even while you're deployed,
5 which, again, mandates the need for additional
6 iterations, again, underscoring where Makua Valley
7 and those types of training venues is so critical
8 for us because of the quality that the area
9 provides us.

10 Q. I'd like you to please turn your
11 attention to this, appears to be a Powerpoint
12 slide, in any event, this document that we received
13 a moment ago from the 25th Infantry.

14 Have you seen this document before?

15 A. No.

16 Q. Can you interpret this document, based on
17 your background and experience?

18 A. I can.

19 MR. HENKIN: Could we please have it
20 labeled as Exhibit 8.

21 (Exhibit Number 8 was marked for
22 identification.)

23 Q. BY MR. HENKIN: General, could you please
24 describe what Exhibit 8 is.

25 A. Exhibit 8 is an unclassified document

1 with the title "Combat Training Center Use, Fiscal
2 Year 2006," and highlights a calendar timeline on
3 the top by month that lists the various monthly
4 numerical iterations which are akin to the
5 rotational numeric designations at our combat
6 training centers, dated 2 December '05.

7 Q. If you look along the left-hand side
8 there are a number of acronyms running up and down
9 that left-hand side. Could you please just walk us
10 through those acronyms and what they stand for.

11 A. From top to bottom, NTC, for the National
12 Training Center. Second line is JRTC, for the
13 Joint Readiness Training Center. Third line is
14 BCTP, which is Battle Command Training Program.
15 Fourth line is BCBST, and the specifics of that
16 acronym I do not know, but it is a simulation
17 training module. The fifth acronym is JFCOM, which
18 stands for Joint Forces Command, which is a
19 headquarter combatant command. And the final line
20 entry at the bottom of the page is JCS, which
21 stands for Joint Chiefs of Staff.

22 Q. Other than JRTC and NTC, which we have
23 discussed previously, do any of these combat
24 training centers listed on Exhibit 8 provide
25 opportunities to conduct maneuver or live fire?

1 A. No. It's a good question, and I'll
2 clarify for you. Although the title of this
3 document states Combat Training Centers, there are
4 only two dirt combat training centers on this
5 document, and those are the top two, the Joint
6 Readiness Training Center and the National Training
7 Center. The others are, as I stated, either staffs
8 or headquarters or training-simulation capability.

9 Q. And when you say dirt, that's in the
10 colloquial sense?

11 A. Yes, in the sense of allowing maneuver
12 formations to train.

13 Q. With reference to the first row for NTC,
14 I draw your attention to the iteration 06-02. Do
15 you see that?

16 A. I do.

17 Q. And there is no -- well, it's blank
18 beneath that. What does that indicate?

19 A. Well, it indicates that nobody trained
20 there last month because that's past tense, because
21 that already occurred.

22 Q. During which dates?

23 A. The one that you highlighted, 06-02.

24 Q. Yes. During which dates was no one
25 training at NTC?

1 A. Well, the dates listed there of 19
2 November through and including 2 December.

3 Q. Continuing along that same portion of the
4 row, there is a 2 December through 14 January. Do
5 you see that?

6 A. I do.

7 Q. What does that refer to?

8 A. Well, there is, as you -- well, that
9 refers to the, obviously, the dates, the time of
10 the month of December. As you highlight in that
11 December block, there is no -- and same thing for
12 JRTC, there is no rotation schedule because the
13 06-02 in November, and then it goes to the 06-03 in
14 January. So the month of December for all of the
15 CTCs it provides that maintenance re-fit,
16 reorganization, if you will, for the cadre, the
17 resources, the logistics, et cetera, holiday
18 period, et cetera, ensure that they are prepared
19 for the next rotation of brigades that would rotate
20 through.

21 Q. Referring, then, to the next rotation,
22 NTC 06-03, do you see that?

23 A. I do.

24 Q. Is anyone scheduled to train for that
25 rotation as of December the 2nd of this year?

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1 A. 4th Brigade of the 25th is standing up,
2 currently designated at Fort Benning, Georgia.

3 Q. And so this brigade is currently under
4 the command of the 25th?

5 A. It is not under our operational command
6 of the 25th Infantry Division here in Hawaii. It
7 is designated under the construct of modular
8 formations as a 25th Infantry Division patch but
9 not under our operation control.

10 Q. If you look at JRTC rotation 06-07, do
11 you see that one?

12 A. I do.

13 Q. Who will be training at JRTC during that
14 rotation?

15 A. It looks like 3rd Brigade combat team,
16 1st Cavalry Division.

17 Q. And if you refer to Exhibit 6, is that
18 the brigade that as of November the 10th was
19 training at NTC during the 06-05 rotation?

20 A. Yes, it is. It's a great comment that
21 underscores how dynamic and evolved and busy our
22 great brigades across our Army are, and it
23 highlights the flexibility of our system, that
24 based on deployment requirements, based on
25 potential adjustments of those deploying formations

1 to ensure that every brigade, including our own
2 that we've been discussing today, have the
3 opportunity for a combat training center rotation
4 prior to deployment to Iraq or Afghanistan.

5 Q. And this is all to ensure that they are
6 ready for deployment?

7 A. Absolutely.

8 Q. I'd like to focus on the Exhibit 8, the
9 NTC schedule, looking first at rotation 06-01. Do
10 you see that?

11 A. I do.

12 Q. Who is training during that rotation?

13 A. It looks like our great Marine
14 counterparts.

15 Q. Do you see the dates that they were
16 scheduled to train for rotation 06-01?

17 A. Yes.

18 Q. What dates did they train?

19 A. It indicates 10 October to 3 November --

20 Q. If you could please --

21 A. -- in '05.

22 Q. I'm sorry?

23 A. In fiscal '05, or calendar year 2005.

24 Q. If you could please look at Exhibit 6,
25 NTC rotation 06-01, based on this exhibit, can you

1 see as of November 10th when they were scheduled to
2 leave NTC?

3 A. Yes.

4 Q. When?

5 A. On the earlier document, their rotation
6 was templated to end on the 14th of November.

7 Q. So they left 11 days earlier?

8 A. That's what it indicates on this chart.

9 Q. Looking now at NTC rotation 06-04, do you
10 see that?

11 A. I do.

12 Q. What unit is scheduled to train during
13 that period of time?

14 A. 3rd Brigade, 2nd Infantry Division.

15 Q. And as of 2 December '05, when are they
16 scheduled to start and end their rotation?

17 A. It looks 18 February to 3rd March of '06.

18 Q. And could you please look at Exhibit 6
19 for rotation 06-04 and tell me what dates they were
20 scheduled in November -- as of November, what dates
21 they were scheduled to train during that rotation.

22 A. Same formation dates, 13 February to 15
23 March of '06.

24 Q. If I'm reading this correctly, they are
25 arriving five days later; is that right?

- 1 A. That's what it indicates here, yes.
- 2 Q. And they are leaving 12 days earlier?
- 3 A. That's what it indicates, correct.
- 4 Again, that's a good observation. It underscores
- 5 the good flexibility based on the requirements of
- 6 that unit. Hard to highlight on this single
- 7 document the adjustments and requirements and what
- 8 drove those adjustments. Potentially could be
- 9 their deployment window specifics requiring them to
- 10 go to Iraq or Afghanistan early, except, again,
- 11 hard to tell from this document.
- 12 Q. Now, with respect to NTC rotation 06-05
- 13 on Exhibit 8, do you see that?
- 14 A. I do.
- 15 Q. What unit is now training instead of the
- 16 3rd Brigade, 1st Calvary?
- 17 A. 2nd Brigade, 10th Mountain.
- 18 Q. And what dates are they scheduled to be
- 19 deployed to NTC during that rotation?
- 20 A. 1 through 14 April.
- 21 Q. And if you look at Exhibit 6 for the same
- 22 rotation, 06-05, what dates was the 3rd Brigade,
- 23 1st Calvary scheduled as of November 10th of '05 to
- 24 deploy to NTC for that rotation?
- 25 A. 27 March to 26 April.

1 Q. So the 10th Mountain is arriving at NTC
2 four days later, is that correct, than the 3rd
3 Brigade, 1st Calvary was scheduled?

4 A. Correct.

5 Q. And they are departing 12 days earlier?

6 A. That's correct. Again, based on this
7 document.

8 Q. Referring now to the rotation of the 3rd
9 Brigade of the 25th, rotation 06-06, according to
10 Exhibit 8, when are you scheduled to arrive at NTC?

11 A. 29 April.

12 Q. And looking at Exhibit 6, when were you
13 scheduled to arrive as of 10 November?

14 A. 24 April.

15 Q. So five days later now?

16 A. Well, again, that's what these documents
17 highlight, yes.

18 Q. And according to Exhibit 8, when are you
19 scheduled to depart from NTC?

20 A. 12 May.

21 Q. And according to Exhibit 6, when were you
22 previously scheduled to leave?

23 A. 24 May.

24 Q. So 12 days earlier now?

25 A. Well, again, that's what these documents

1 highlight. You have to recall, as I mentioned
2 earlier, from a concept perspective, mission
3 letters and how we rotate formations through, and
4 these are great documents that underscore, as I
5 mentioned before, the flexibility of our system to
6 provide the formations what they need to train at
7 our dirt combat training centers.

8 You brought out some great highlights
9 reinforcing that, that from a very short period of
10 time, 10 November on one document to just short of
11 three weeks later on another document, we have
12 adjusted three formations, completely moved two
13 others, flexible enough to provide the training
14 necessary and still meet the requirements of our
15 nation to get soldiers trained and ready to deploy
16 with adjustments of requirements by the combatant
17 commander and central command. Pretty good success
18 story.

19 Q. Looking now at NTC rotation 06-07, who is
20 scheduled to deploy to NTC for that rotation?

21 A. 2nd Brigade, 1st Calvary Division.

22 Q. During what time period?

23 A. 27 May to 9 June '06.

24 Q. I'm sorry?

25 A. 27 May to 9 June '06.

3

24

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[illegible]

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Confirmed
Confirmed by HCL unit designation may be wrong
NOT Confirmed

10-600-08
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Unclassified (Redeploy)

EXHIBIT NO.

REFNADEL